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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIAN POENARU,

Defendant.

Case No. 2:21-mj-372-EJY

**Stipulation to Continue the Preliminary
Hearing (Eighth Request)**

It is hereby stipulated and agreed, by and between Christopher Chiou, Acting United States Attorney, through Jim W. Fang, Assistant United States Attorney, and Michael V. Castillo, Esq., counsel for Defendant Marian Poenaru, that the preliminary hearing in the above-captioned matter for defendant, previously scheduled for February 4, 2022, at 4:00 p.m., be vacated and continued until a time convenient to the Court, but no earlier than 90 days from the current setting.

1. Federal Rule of Criminal Procedure Rule 5.1(d) provides that “[w]ith the defendant’s consent and upon a showing of good cause—taking into account the public interest in the prompt disposition of criminal cases—a magistrate judge may extend the time limits [for preliminary hearings] one or more times.”

2. Previously, the parties had agreed to a plea agreement, and agreed to continue the preliminary hearing in the instant matter to allow the court to review and consider the

1 plea agreement. A change of plea hearing was scheduled and held. However, at the hearing,
2 defendant changed his mind about the plea agreement and decided not to accept it.

3 3. After his rejection of the plea agreement, the government was informed by
4 defense counsel that defendant has since had a change of heart, and asked if the government
5 was willing to enter into the same agreement once more, which the government agreed.
6 Defense counsel is conducting due diligence to ensure that defendant is completely sure
7 about his desire to enter into a plea agreement this time, so that he would not change his
8 mind again at the next change of plea hearing. As such, additional time is needed to submit
9 the plea agreement and to allow the court to consider whether to accept the plea.

10 4. This continuance is not sought for the purposes of delay, but to allow the
11 parties an opportunity to resolve this matter pre-indictment.

12 5. Defendant is in custody and agrees to the continuance.

13 6. Denial of this request could result in a miscarriage of justice, and the ends of
14 justice served by granting this request outweigh the best interest of the public and the
15 defendants in a speedy trial.

16 7. The additional time requested by this stipulation is excludable in computing
17 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.
18 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

19 DATED this 31st day of January, 2022.

20 CHRISTOPHER CHIOU
21 Acting United States Attorney

22 s/ Jim W. Fang
JIM W. FANG
23 Assistant United States Attorney
Counsel for the United States

s/ Michael V. Castillo
MICHAEL V. CASTILLO, ESQ.
Counsel for Defendant Poenaru

**UNITED STATES DISTRICT COURT
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FINDINGS AND ORDER

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. The parties desire to continue the preliminary hearing to facilitate pre-indictment resolution. A plea agreement is being finalized between the parties, and will be submitted to the court for its consideration. The Court finds good cause to continue the hearing to allow the parties to resolve this matter pre-indictment.

2. Both counsel for defendant and counsel for the government agree to the continuance.

3. Defendant is in custody and agrees to the continuance.

4. The continuance is not sought for the purposes of delay, but to allow the parties to reach a potential resolution before the government moves forward with further prosecution.

5. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendants in a speedy trial.

THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the above-captioned matter currently scheduled for February 4, 2022, at 4:00 p.m. be vacated and continued to May 5, 2022, at 4:00 p.m. in Courtroom 3C.


HONORABLE FLAYNA J. YOUCHAK
UNITED STATES MAGISTRATE JUDGE